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Sunday law neither Christian nor American

Boston

1849

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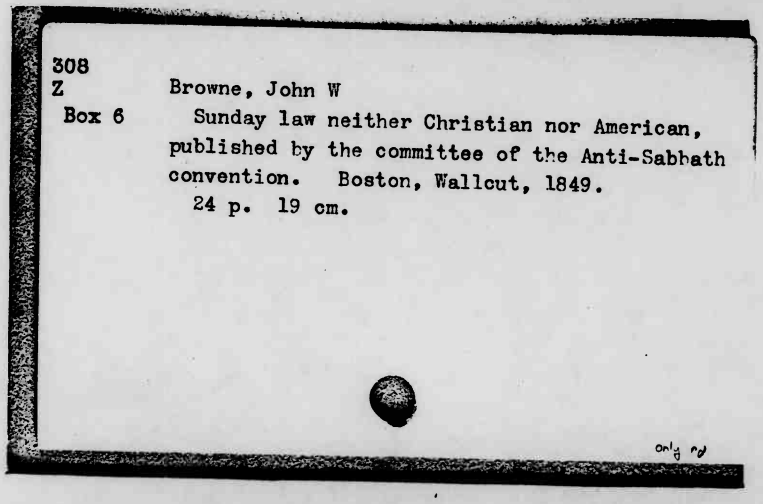
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BY JOHN W. BROWNE.

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BOSTON:
FOR SALE BY R. F. WALLCUT, 21 CORNHILL, AND
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# SUNDAY LAW

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## SUNDAY IN THE LAW.

SUNDAY first appears to take its place in municipal law, as a day of commanded rest, in an edict of the Emperor Constantine, A. D. 321. This, translated, stands as follows: —

"Let all the judges, and the people of the towns, and all the trades, rest on the venerable day of the Sun; nevertheless, let those who live in the country work in agriculture, at their choice, and without restraint, as it may happen that corn cannot be planted or vines set so well on another day, lest in its time the bounty given by the providence of God may perish."

This is the original of Sunday, in municipal law.

The edict will be found in Justinian's Code, a part of that Civil Law, whose fundamental maxim and habit is this— "the will of the prince has the force of law;" and which

claims for law "the authority to dispose of both divine and human matters." It will be found in that code, whose opening title is this: — "Concerning one Deity and Trinity, concerning the name of those who embrace the true faith, and concerning the punishment of heretics." Those who know what power will do with conscience, may guess the details of the title.

The law of England ranks the doing of any secular work or business, or engaging in any sport, on Sunday, as a "profanation of the Lord's day," and an "offence against God and religion." The statute of Charles I. upon this matter opens thus: — "Forasmuch as there is nothing more acceptable to God than the true and sincere service and worship of him according to his holy will, and that the keeping of the Lord's day *is a principal part of the true service of God*," &c. Such does Sunday law account true God service.

In the laws of every State of our Union, (Louisiana, and perhaps also Texas, excepted,) there are enactments for the observance of Sunday as a special season of religious worship, and penalties annexed to any manner of labor, business, or travel, on that day, except from what is called necessity or charity. The boundaries of the day, when defined in these statutes, are various; some extending it from midnight of Saturday to midnight of Sunday; some from midnight of Saturday to sunset of Sunday; and some going back beyond the boundaries of Sunday, and prohibiting attendance on dances, or plays, or public diversions, except concerts of sacred music, after sunset of Saturday evening; thus invading the borders of the six secular days of the week, to insure a favorable introduction for Sunday, when its point of time shall arrive.

These statutes of the several States call the day variously — "Sunday," "the Christian Sabbath," "the Lord's Day."



In some of the States, the law for the observance of Sunday is contained in a distinct chapter, upon that special subject alone. In most of them, however, the enactment concerning Sunday includes also other subjects in it; and when this is the case, these other subjects are invariably after the likeness of the following, taken from the Revised Statutes of the State of Maine, as a specimen of the rest. The title of the chapter is as follows: —

"Of offences against chastity, morality, and decency."

The chapter has thirty-nine sections, and here are selected subjects: —

Sec. 1. Adultery. 3. Incest. 4. Crime against nature. 5. Polygamy. 10. Fornication. 13. Procuring abortion. 15. Keeping house of ill-fame. 17. Enticing females to houses of ill-fame. 19. Obscene books and pictures. 21. Blaspheming. 22. Profanity. 26. Business, travelling, and recreation on the Lord's day prohibited. 29. Public amusements prohibited on the evenings of Saturday and Sunday. 36. Drunkenness. 38. Gaming, &c.

Into this category of crime, the laws of some of these States put the non-observance of a Sunday according to the State creed. So does a free government arrange nonconformity to the tenet of a majority, written out into the form of a law.

Our State statutes are thus a continuation of the absolute governmental authority for Sunday observance. They are the following out of an old history, old and evil. They refer us back for origin, through the oppressive legislation of England, and the edicts and practice of the arbitrary governments of Christendom, in the matter of religion, to the

original edict of Constantine, establishing a legal Sunday, by arbitrary power, over the heads of a people, not more than one-twentieth of whom were then believers in Christianity.

## SUNDAY WITH THE APOSTLES.

Prior to the edict of Constantine, whatever observance of Sunday had existed was a voluntary religion. Prior to that edict, it was a day observed in the private or associated habits of Christians — the history in the Church being, that Christ rose from the tomb on the first day of the Jewish week, and the observance being a grateful commemoration of religious faith, freely given, as the faith was freely received.

The significance of Sunday comes from the Jewish law, and the calendar of the Jewish nation. The Jews divided the days of the year into periods of sevens, and, enjoined by their lawgiver, they observed every seventh recurring day as holy. To a Jewish convert to Christianity, then, the first day of his week, as it returned, would be commemorative of the resurrection of Jesus. Not so to the Greek and Roman converts. When the apostles went out to convert the Greek and the Roman, the Greek was accustomed to divide his time into periods of ten days, instead of the Jewish weeks, and the Roman into periods of eight days, every ninth day being his festal market day. These Gentiles, to whom Peter and Paul preached a Christ crucified and risen, knew nothing, in the habit of their daily life, of periods of seven days, to make the recurrence of the first day of the Jewish week significant to them, as a commemoration. They did not



reckon their time so. They must learn that from Judaism. The division of tenth (Decades) and ninth days (Nundinæ) was the established order of their respective calendars. And in correspondence with this fact, when the synod of the apostles was held at Jerusalem, as reported in the 15th chapter of the Acts of the Apostles, to consider the points of conflict between the Jewish and Gentile construction of Christianity, the apostles resolved the matter in favor of the Gentiles, and sent their decree by the hands of a commission, composed of Paul and Barnabas, and their associates, not naming a seventh, or a first day of the week, in the decree. "The apostles, and elders, and brethren, greeting unto the brethren which are of the Gentiles, in Antioch, Syria, and Cilicia: — Forasmuch as we have heard that certain which went out from us have troubled you with words, subverting your souls, saying, *be circumcised, and keep the law;* to whom we gave no such commandment; it seemed good unto us, being assembled with one accord, to send chosen men unto you, with our beloved Barnabas and Paul, men who have hazarded their lives for the name of our Lord Jesus Christ. We have sent, therefore, Judas and Silas, who shall tell the same things by mouth. *For it seemed good to the Holy Ghost, and to us, to lay upon you no greater burden than these necessary things; that ye abstain from meats offered to idols, and from blood, and from things strangled, and from fornication:* from which, if ye keep yourselves, ye shall do well. Fare ye well." Where here is Sabbath, or Sunday? first day, or seventh day? They are not found.

Hear this voice of the first authentic Council of the Christian Church in history, the Council of councils, speaking down to us from apostolic seats, promulgating the organic

law to all successors, in the hearing of which, Nice and Laodicea are to be silent, and hold their hands upon their mouths! See here the edict of edicts, the decretal of decretals, the statute of statutes, in the eye of which, Constantine, and Leo, and Gregory, and Parliaments, and Republican Legislatures, have been building up the wood, hay, stubble of wilful enactments, on a foundation which is not Christ, for fifteen hundred years of an era which they have miscalled by his name! This is the apostolic canon, from which we are to learn the Christian law to the Gentiles, concerning Sabbath observance. The canon law of the the apostles to the Gentiles knows nothing of first day or seventh day, Sabbath or Sunday. And how could it?

Greek and Roman must first learn Judaism, and his nation change its mode of computing time in its calendar, before the first or the seventh day of the Jewish week could be significant to him. This change afterwards did take place; and the week of seven days came into use; adopted, however, as the historian Dion Cassius states, from the Egyptians. But, from whomsoever adopted, the apostles had all gone to their rest, and several generations of their successors had fallen asleep in Jesus, before the great empire of the Cesæs knew the first day of the week of seven days, in public computation. What was heard of it, came to individuals, through the channels of the Egyptians, or the Jews, and the Jewish Christians, and was not of common knowledge. The primitive apostles were all Jews. The first day of the week was to them significant. Yet they propagated it, if they propagated it at all, as a voluntary observance, and not as a necessary and commanded one. It was no part of the Christianity of the apostles.

It is a historical fact, that societies of early Christians



were in the habit of assembling for worship on that day. How near this came to a general custom, it will not be easy, perhaps not possible, to determine. It seems, however, a necessary deduction from the above facts, that if the evidence should be impartially looked after, it must be found that the custom was not general. And if at last it became general, it was an interlopation of Judaism upon Christianity, seconded by the Gentile fondness and habit of festal days. When, at length, Christianity left its Author alone upon the exceeding high mountain, and followed the Devil down to take his bribe of the throne of the kingdoms of the world, in the person of Constantine, then imperial power annulled the canon of the apostles, and established the observance of "the venerable day of the Sun," into a part of the religion of Jesus, for all these succeeding centuries.

The conversion of Constantine is commonly called, in that wisdom which writes for us the history of government, the triumph of Christianity; but indeed, it was its fall. Christianity might have had the throne of the world three hundred years before, in the person of its Author, if his divine spirit could have fulfilled the one condition—"All these will I give thee, if thou wilt fall down and worship me." The answer saved the Savior of the world, and brought kindred angels to minister to him—"Get thee behind me, Satan!" Christianity can always have the aid of the power-demon in human government, if it will fall down and ask his aid, worshipping; but then the angels are gone; then Love flies, and Force comes into his place; then Christianity loses its Christ; and what is left of the word to us then, sounds hollow and empty, like *inanity*. Such is government Christianity; such is law Christianity. Christianity is love, not power. Christianity works by love, not by law. Christianity makes its

call upon the free will of the soul, and leaves that, reverently, where the Father leaves it, till it comes and throws itself, like a child, at its Father's feet, never again to doubt, never again to wander. Christianity knows nothing of days, nothing of forceful compulsions. When ceremonies come, when force comes, Christ goes away. Where there is a government religion, there is not Jesus.

## SUNDAY LAW AN ESTABLISHMENT OF RELIGION.

Our legal Sunday, in its distinction from the other days of the week, places itself upon a religious foundation, calling itself "the Christian Sabbath," "the Lord's day," and claiming the dues of the law, on the ground of reverence. Its essence is in belief in the mind of the peculiar holiness of those twenty-four hours.

The Jew, in the Scripture of Moses, was commanded to observe the seventh day by rest from labor; and this was incorporated into both his religion and his law. The law of God and the municipal law were one with the Jew. His holy scripture and his secular statute book were one.

The Christian Commonwealths, in assuming to appoint the first day of the week to be observed as a holy day, hold to the sanction of the seventh day by a command from God in the Scripture of the Jew, and then transfer that sanction to the first, on the basis of the recognized public belief that, on that day, Jesus rose from the dead.

Thus Sunday laws take for granted —

1st. The divine legation of Moses, and the belief of that.

2d. They take for granted the rising of Jesus from the dead on the first day of the week, and the belief of that.



3d. And they take for granted, moreover, in addition to the above, the fact and belief that the law of Moses, in which God appointed rest on the seventh day, because on that day he rested from the work of the creation, is abrogated, as to the observance of the seventh day, but is still in force as to the observance of one day in seven; and that God has elected the observance of the first day of the week, instead of the seventh, now, because on that day he raised Jesus from the dead.

Either of these beliefs failing in the mind of any person, the legal Sunday is without foundation in the reverence or religion of that person. Either of these beliefs failing in the mind of any citizen, if the State enforce its law of Sunday upon that citizen, it forces an act of outward religious observance upon him, against belief in the conscience; it establishes and enforces, by temporal penalties, a system of religion; and so far as outward penalties can do that, a creed.

## BAD LOGIC, AND BAD CHRISTIANITY, OF SUNDAY LAW.

From the above statement, it will be obvious how contradictory are the first principles of the foundation of the Sunday law with themselves. Also, it will be obvious that they take for granted, what no two Christians are agreed about, and things which the best, and wisest, and most famed Christians have denied. It is obvious that this creed of Sunday is like the other State creeds, in all ages; the hollow nonsense of government religion, enforced by the tyranny of government power;

nonsense and tyranny, which fire has not been able to burn into men and women, though it has burned the bodies of the elect of the race down to ashes, and left their souls naked in eternity, God's element of freedom, to overshadow all time to come with holy wings. But more is obvious, namely, this: that you may dispute this principle of the distinction of the day, in the law, at every step. You may not agree that the law of Moses is divine in its origin, in any sense different from the institutes of any other primitive lawgiver; you may believe that Jesus abrogated, or denied, or superseded Moses, by fulfilling the Infinite Spirit's behests, which Moses only began to shadow forth to a hard-hearted people, by giving them "statutes which were not good;" you may believe that Jesus repudiated the Jewish Sabbath, as an enforced religious rest, and you must and will know, that he and his disciples never directed any to take its place, as a part of Christianity; you may believe that the Lord would now reject the legal Sunday, baptized his day, and would denounce the law of the same, if he were now on earth, as introducing force into his kingdom of free will; you may believe that, if he were now on earth, he would be cast out of these State Houses which enact Sunday laws, and these Courts which enforce them, and the Churches which uphold them with logic theologic, and walking about, a homeless stranger among those who proudly call themselves in his name, would seek and find his home and rest under the roof of a holy and simple man, who breaks the law every Sunday, by working in his field, and is called, by the presumptuous Christians about him, infidel. You may believe all this, in the freedom and bold faithfulness of the religious nature into which your soul has come, by education in this day, on this continent; you may believe all time

ERRATUM.

The reader will please supply the following line at the bottom of page 12:—

holy, and Sunday holy as another day, but no more so; you

may believe that there is no true work which is not worship, and no true worship which is disturbed by work; you may believe all this, but you are to act upon it under the pressure of penalty. The State has a creed about the matter of Sunday. The State believes that Sunday is holier than its brother days of the week,—(the radiant brotherhood, born out of God's eternity, into time, and baptized in light,)—and will have you signify as much. The State believes that we stand fast no longer in the liberty wherewith Christ hath made us free, but are entangled again in the yoke of bondage, for the Lord hath selected a celebration day. Beware, therefore! The State you were born into holds to the freedom of conscience, as a theory, and has educated your soul to enlargement in the rudiments of that expanding theory. Nevertheless, beware! In one thing it will visit your conscience, and be its keeper. In the name of the religion, whose chief apostle to the nations said to the Colossians, "Let no man, therefore, judge you in meat, or in drink, or in respect of a holy day, or of the new moon, or of the Sabbath days," in that name, the State will judge you in respect of a holy day, and of the Sabbath days; and if, on the day which the State calls the Christian Sabbath, against all evidence of the Christian Scriptures, your conscience leaves you free to work, and you do work, then the State has a yoke of conformity for your conscience, in the penalty of a shameful statute.

Thus loose, thus contradictory, are the logical principles of the Sunday law; thus contrary to the nature of the religion of Jesus, and the written authority of his apostles; thus oppressive upon the right of private judgment, in the matter of an outward act, which has its sole significance in belief. If you believe according to the law, you will observe what

the law requires, without the law; and if you do not believe according to the law, the very existence of the law may be a call upon you to testify against its falsehood and usurpation, by denouncing and transgressing it. The English nature we inherit always had something of defiance in it, at its best. The denial of the right of the Quaker to testify in New England, made the duty that brought the Quaker in flocks to New England to testify. The Puritans thought they were infested by the wilfulness of Quakerism, but they were infested with the wilfulness of Puritanism, and Quakerism came as a cure for that. Bigotry makes martyrs, because it makes a necessity for them. The force which error resorts to, wherewith to uphold itself, is an illustration of the truth.

## SUNDAY LAW OPPOSED TO RELIGIOUS LIBERTY.

But if the Sunday observance demanded by the law were the plainest part of Christian ceremonial ordination, beyond a doubt or dispute, American governments have no right to enforce its observance by law. They may as rightly enact the provisions of the Sunday law, and stop work, and trade, and diversion for Christmas; or the evening of the Passover, when the last supper was taken; or every recurring Friday, in memory of the crucifixion. The foundation of the law, the selection of the day, the express declarations of the laws, in their historical series, all show them to be a ceremonial religion. The thought of a public morality, or convenience, is secondary, incidental, accidental. The moving cause is a ceremonial religion of worship, a holy-day creed; and there is no recognized right in an American government of the



people to enforce it. The American idea of political liberty is this — "Man is governed too much." The American idea of spiritual liberty is — Man is not to be governed at all.

The old world would not leave man free in either; had never left him free. The old institutions there oppressed man, in the Church, in the State, in the social condition. The old constitutions left neither body, nor mind, nor life, nor conscience free.

The informing mind of the movement which resulted in the birth of our American organizations of government, utters itself thus: — Oppression shall be no longer, in fact, for man under government, as it is not in the truth of the theory of the rights of his being. He shall be his own man, under the God of his own belief, the state of his own election, the social condition of his free endeavors. Especially shall man, here, not wilfully constrain man in the matter of religion, under these governments made for freedom, made for all, made for man. The people shall not be Pope, nor Church, nor King, over the conscience; but herein man shall be free as the great God, his Father, made and leaves him, under the admonitions of his providence. The power of the majority shall be just, shall be generous. Matter of religion shall not be matter of majority law. This bloody theme of legislation, making martyrs always of the best natures in the State, this whole province of religion, shall be stricken out of the legislative sphere. Religion shall not be in the list of subjects for the ordinations of government. Government shall for ever abdicate the power to make a law about it, and declare itself fundamentally incapacitated to deal with what concerns conscience. This voluntary abdication and renunciation shall be embodied in the organic constitutions of government here, shall be written on the

abiding tablet of the social compact, for perpetual observance. The State here shall never constrain the liberty of the sons of God, touching their relation to their Father. The State is not holy enough to touch religion. "Hands off," unholy hands. The State is a body politic, not a body religious. Its titles are titles of honor, not of reverence. It exists to enforce the outward duties of morality among men, and the necessary support and defence of its own organization. That is its sphere. It shall be kept within that here, and not trespass. Let the past and the old world suffice for bigotry and ecclesiastical tyranny. They shall have no time, nor ground, here. Religion shall not be a thing of the cognizance of political society. There shall no longer exist in law such an offence as non-conformity. The inward liberty of a man is above the State, more reverend than the State. Government is a nuisance, if it intermeddle with that. Government here shall take that for granted, as beyond its sphere, before it shall begin to be.

This is the spirit of our governments; the elemental force by which they rose out of chaos into organic forms. What the old governments did to man was not right; what they did shall not be repeated here. This was the American purpose. Why? Why? Because a religion of conscience must, necessarily, in its nature, be indifferent to power, and supreme, as the life of the spirit, to every individual person. Because power in the State will enforce its own thought upon the subject, for God's truth, demanding not religion, but conformity; for the State has no individual human soul, religious, worshipful, struggling up to God, through doubts, by prayer, in peril for personal salvation. Because an establishment of a spiritual religion of love is impossible by a government of force, and must be the voluntary dedication of private hearts. Government is not anointed to that end. It is not installed in that sphere of love and light. It has no prophet's mantle. The prophets come to rebuke the State, and the State kills them. The State is power, protecting the outward life, and liberty, and interests of the citizen, by the emblematic sword. "*Ense petit placidam sub libertate quietem*"—By the sword, under liberty, the State secures placid quiet: and this is the placid quiet of the outward, and never of the inward life. Let the State stand by its office here. Let the State fight battles, and punish crimes. The State is the man of blood. But the man of blood is not to build the Christian temple here, and prescribe its worship. The iron of the State shall not enter the soul.



Is this great truth attained, in our organizations of government, as it was present in the idea? Nay. Yet, nevertheless, it stands in idea; it has educated our souls into religious liberty; and we are not to have our rest until it stands completed in all the laws of our organized societies.

What, then, mean these Sunday laws, establishing the religion of a holy day, and punishing those who have no faith to regard it? What mean they, on this soil, in this climate of ideas? How shall they maintain themselves in existence upon the statute book, when they have no true foundation in the acknowledged principles of American legislation? What means this conflict of laws and principles? How shall the disciples of these principles be meet to obey those laws?

## SUNDAY LAW RECOGNIZES THE RIGHT ONLY OF A FIRST OR A SEVENTH DAY CONSCIENCE.

Some of the States, with striking grace, make exception from the penalty of their Sunday statutes, in favor of those who conscientiously believe and keep the seventh day of the week as a Sabbath, and refrain from labor on that day. Which is to say, that the noble estate of a Republican government is dwindled and dwarfed down to the meanness of conceding to conscience the liberty of believing in one of two scriptures, namely, the scriptures of Moses, or the scriptures written in a majority's statute book. But this concession is not a common grace. In many of the States, you have no election; you are to conform to the scripture of a republican legislature, or take the penalty. But where, under any of these laws, is the liberty of conscience of a man who esteems not one day above another, but esteems every day alike; and is fully persuaded in his own mind that all days are holy; that all days are the Lord's days, sacred to the freedom of work, or rest, or worship; and who is persuaded, moreover, that a government religion of one sacred day in seven is both a folly and a tyranny? Where, under these laws, is the inalienable liberty of a man, who believes neither in the first day of the week, nor in the seventh day, neither in the Christian scriptures, nor in the Jewish scriptures?—and yet herein is a man, sacred from the touch of the law-making majority, who outnumber the minority, by counting among themselves persons just as unbelieving as he, and more unscrupulous, and tyrannical, and hypocritical.



## GOVERNMENT LOVES CONFORMITY, NOT RELIGION.

There is not a soul of man or woman, of all those who are deeply and conscientiously opposed to the folly and tyranny of this majority religion of Sunday observance, which does not inwardly know, that the light and work of every day, and the darkness and rest of every night, are more commemorative to it of the being of Jesus, than the government Sunday is to the majorities which enact that ceremonial into a state of religion, and set down its non-observance in the same category with adultery and incest. They who know Jesus truly, recognize his existence constantly, in their own being, without account of weeks, or histories doubtful and disputed. They who reverence Jesus truly, reverence the sacred freedom of all acts of worship. Worship cannot be commanded. They who have known, in experience, what worship is, know that government is incapable of desiring genuine worship. A government religion has always persecuted the high religious soul. That is the history of all martyrs. In every enforcement of religious observance, by penalties, government has been wrong. The future always pronounces that sentence against it. It always was wrong, in its contests with the citizen about religion, and always will be. It does not desire religion, but conformity. Of matter of religion, the private conscience is more concerned to judge than the law, is a better judge than the law, is the only right judge. Let the power of direction be, where alone the responsibility must be, with the private conscience. Let the law learn its place, and having learned it, keep it. No human government has yet been holy enough to dare to help religion.

## SUNDAY OBSERVANCE SHOULD BE WHOLLY VOLUNTARY.

The observance of Sunday, in the apostolic ages, and while Christianity was converting the world, was voluntary. Christendom established, may now surely trust the same voluntary system. Our American governments may, ought, must do this. The genius of our church system is voluntary, and yet there is no lack of meeting-houses and ministers. Our country is more amply supplied in this than is the city of London, under the eye of the Parliament of England, with its bench of bishops, representing the established church as one of the estates of the kingdom. We are probably the greatest minister and meeting-house people in the world. Let Sunday stand on the same voluntary ground with our church system; it would not be the less observed. If we believe in Sunday, we shall conform to it, without law, and support it voluntarily, as we support a church and its ordinances. If we believe it not, there is no rightful power to enforce obedience, without belief. At the utmost, Sunday should be no more than recommendatory in government, as are our thanksgiving and fast days; and these are well observed, and quiet enough for any who assemble for a public worship. They are in the habit of the people. So is Sunday the habit of our people. Let Sunday remain the habit of the people, and not an institution of government. Then it stands upon its true foundation, of belief, free will.

## SUNDAY LAW MAKES THE OFFENCE IT PUNISHES.

The abiding majesty of the law lies in the recognition, on the part of the offender, of its justice. The basis of true



human legislation must be the eternal laws of morality, not tenets, not dogmas, not the drift-sand of a theological dispute. What law says is so, must *be* so. The law calls Sunday "the Lord's day." Is it the Lord's day? If conscience admit not the basis of the legal tenet, what the law punishes as a crime on that day, is martyrdom. The law which forbids the act of work, or travel, or diversion, on a Sunday, and affixes the penalty, makes the crime. It is no crime, unless it be so in the forum of the individual conscience. Disbelief in a creed is no crime, and may be a virtue.

## SUNDAY LAW CALLS FOR EXEMPLARY DISOBEDIENCE.

The State, by the penalty of its Sunday law, challenges a firm man, who believes the law would enforce an error, to disobey it, that so he may vindicate the abused truth. If there were no law on the subject, he would respect his neighbor's opinion, and reverence the fact of his worship, though he believed not in its mode. But compelled, by law, to endorse his neighbor's mode of religious observance, for an absolute truth of religion, by an exemplary act of his own, he must be more saint-like in his nature than most protesting human beings are found to be, if he find it not his duty to give a testimonial observance of what he thinks right, by doing what the law calls wrong, to its face. Transgression of religious authority is the most natural form of protestant demonstration. Hear great Luther to this point of Sunday observance: —"Keep it holy, for its use sake, both to body and soul. But if any where the day is made

holy for the mere day's sake—if any where any one sets up its observance on a Jewish foundation, then I order you to work on it, to ride on it, to do any thing that shall reprove its encroachment on the Christian spirit and liberty."

## INJUSTICE AND OPPRESSION OF SUNDAY LAW ILLUSTRATED.

The right of our governments of the majority to pass laws, making Sunday a day sacred from all secular occupation, and punishing its non-observance in that mode as a crime, may be tested by possible practical examples.

Those who profess to believe in Sunday, as a holy day, in distinction from other days of the week, and think it worthy to be accounted crime to follow any inclination for what is named secular work or pleasure, on that day, are now in a majority. Now, they make laws to punish an act, not according to their creed, as criminal. They may not always be the majority. It will enlighten us to see the right, if we suppose the case reversed.

Thus, suppose, in the first place, that those who believe in the seventh day, and not in the first, are in the majority; may the majority then, in our governments, rightly pass laws prohibiting labor and travel on the seventh day, and punishing those who break them as criminals?

Or, secondly, suppose those to become the majority, who believe that all days are equally holy; and that it is a pernicious and dangerous error, detrimental to religion and the public morals, to abstain from labor on the first day of the week, upon the doctrine of its special holiness among the days; and that such abstinence ought to be punished as a



crime; may the majority, then, in our governments, rightly pass laws punishing such non-conformity to their creeds?

Or, thirdly, suppose, (what is quite likely to be the fact here, what is within hailing distance, to those who have farthest explored this great deep of modern civilization, to find the shores of the new world it holds within its bosom,) suppose that the majority becomes those, who feel that religion not only demands a Sabbath of rest from care and labor, on one day in seven; but that it demands a Sabbath on one-half of all the hours of the daylight of every day in the week, sacred to rest from bodily labor, for worship, for culture of the religious and moral and intellectual nature, for joy and gladness; suppose that they hold to these perpetual Sabbaths of every sun as a divine revelation, a holy scripture, written by the finger of God upon the tablet of the heart of humanity, and uttered by Jesus in the emblems of the lower creation, in the "fowls of the air," and the "lilies of the field"; suppose that this religion is installed in government, with the power of the majority; may the majority then, by enactment of law, appoint Sabbaths on certain hours of all days of the week, call all days the Lord's days, and punish, as a crime, the violation of these divine Sabbaths, by servile labor, or foolish diversions? And if they may not, because that would be religious oppression; then the present majority may never pass, nor longer continue the present Sunday laws, because they are religious oppression.

## SUNDAY LAW MERELY THE CREED OF A MAJORITY, WITHOUT SANCTION OR REVERENCE.

A majority religion is the least respectable of all establishments of religion. You might bear with a Popish es-

tablishment, for that church claims to be infallible, and educates you in that belief. You might bear with the oppressions of regal power, on the conscience, for that claims authority from God, to dispose of both divine and human matters, and teaches you submission. But what can you say to the articles of faith of an elective majority of your fellows, enacted upon you, in the name of religion; under the forms of governments which disclaim, in their constitutions, all right of government to control the private conscience, and which have schooled your nature, from your birth, in the principles of religious liberty?

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